

REMARKS

With this Response, Applicants amend no claims and cancel no claims. Thus, claims 1-7, 9 and 10 remain pending in the application, with claim 1 being independent.

Specification

The Office Action objects to the amendment to the specification filed April 28, 2010, asserting that the change of the word “beads” to the word “particles” introduces new matter. The Examiner notes that no certified translation or statement from a translator has been included to support Applicants’ argument that the term “particles” is a more accurate translation to the original foreign document PCT/JP2004/003844.

In response, Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 of Sumiyo Yamamoto, a translator specializing in Japanese / English translations. In the Declaration, Mrs. Yamamoto confirms that the term “particles” is a more accurate translation than the term “beads” of PCT/JP2004/003844.

Applicants further note that in two other patent applications of the current assignee, i.e., US 10/540,866 (issued as U.S. Patent No. 7,767,723) and US 10/541,391 (issued as U.S. Patent No. 7,767,724), the same type of correction has been undertaken, wherein the term “beads” had been replaced with the term “particles” by submitting a substitute specification.

In view of the foregoing, withdrawal of the objection to the specification is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

The Office Action rejects claims 1-7, 9 and 10 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Similarly as discussed on the objection to the specification, the Action states that the “word ‘beads’ has been changed to the word ‘particles’ with an explanation that the word particles is more accurate to the original foreign document; however, no certified translation or statement from a translator has been included.”

In response, as pointed out above, Applicants concurrently submit with this response a Declaration under 37 C.F.R. § 1.132 of translator Sumiyo Yamamoto. Applicants emphasize that the declaration of the translator supports Applicants’ statement that the term “particles” is a more accurate translation than the term “beads” of the original foreign document
PCT/JP2004/003844.

Applicants respectfully request withdrawal of the written description rejection as well.

CONCLUSION

In view of the foregoing remarks and the submission of a Declaration under 37 C.F.R. § 1.132, the Examiner is respectfully requested to reconsider and withdraw the objection and rejections of record, and allow each of the pending claims.

If any issues yet remain which can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Narihiko TOGOU


Bruce H. Bernstein
Reg. No. 29,027

Stephen M. Roylance
Reg. No. 31,296

Enclosure: Declaration of Sumiyo Yamamoto (2 pages)

October 22, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191